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February 14, 2008

BY FACSIMILE

MEMO ENDORSED

Hon. Colleen McMahon
United States District Court for the Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007

Re: Software AG et al. v. Consist Software Solutions, Inc., et al. (08 CV 00389)

Dear Judge McMahon:

We write to inform the Court that when electronically filing Defendants' Supplemental Proposed Findings of Fact and Conclusions of Law yesterday, we were unable to e-file the exhibits annexed thereto because the exhibits were too large and could not be broken down into smaller attachments. After learning of this problem, we sent a courtesy copy with all exhibits to Your Honor by hand delivery.

We also contacted the S.D.N.Y. ECF clerk who directed us to seek Your permission to file the exhibits in hard copy form. I spoke with your law clerk this morning, who advised us to write a letter formally seeking permission to do so. We apologize for any inconvenience this has caused, and thank the Court for its attention to this matter.

Respectfully,

Brian Damiano

Brian Damiano

cc: James D. Jacobs, Esq. (via e-mail)
Frank M. Gasparo, Esq. (via e-mail)
Marcella Ballard, Esq. (via e-mail)
John A. Basinger, Esq. (via e-mail)

Colleen Mc Mahon
2/14/08